THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.1353 OF 2007
DATE: 05.3.2007

Between:

P. Krishna Murthy, Kurnool District.

…Petitioner

AND

1.The Superintendent of Police, Kurnool District at Kurnool.

….Respondents

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THE HON'BLE SRI JUSTICE D.S.R.VARMA

AND

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–

TAKEN UP WRIT PETITION NO.1353 OF 2007

ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.VARMA)**

Heard the learned Government Pleader for Home, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'Telegram', dated 18.1.2007, by one Sri P. Krishna Murthy, Kurnool District, to the Hon'ble The Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that his brother by name Janardhan was illegally detained from 03.12.2006 by the police of Kurnool District, and that he is apprehending danger to the life of his brother.

3. Upon receipt of notice, issued by this Court, the Superintendent of Police, Kurnool District, filed a counter-affidavit stating, *inter alia*, that there were some civil disputes between the petitioner and five others, including Lakshmi Narayana and Ajay Babu; that since his brother was not available, on the apprehension that his brother might have been kidnapped by the said people, the petitioner had lodged a complaint to the police, Kurnool II Town Police Station, which was registered as Crime No.20 of 2007 for the offence punishable under Section 365 of the Indian Penal Code and investigation has also been taken up.

4. The record placed before this Court by the respondent would also reveal that the alleged kidnapped person, who is no other than the brother of the petitioner, has been transacting with the Bank also, which fact strengthens the belief of this Court that the alleged detenu, *prima facie,* was not really kidnapped by anybody.

5. However, without expressing any concrete opinion on this aspect, we only feel that, inasmuch as, a case in Crime No.20 of 2007 had already been registered for the offence punishable under Section 365 of the Indian Penal Code, and investigation is in active progress, we do not feel it expedient to proceed any further in this direction. In other words, now the entire issue is in the domain of the investigating agency, in which case, it is not desirable for this Court to proceed any further.

6. For the foregoing, the Writ Petition has no merit to interfere

and the same is liable to be closed.

7. In the result, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.VARMA, J

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D. APPA RAO, J

05TH MARCH 2007

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